

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated March 21, 2008 has been received and its contents carefully reviewed.

The specification is amended to correct minor informalities. Claim 1 is hereby amended and claim 6 is canceled without prejudice or disclaimer. Support for the amendment to claim 1 can be found at, for example, Specification ¶¶ 0020 and 0046. Accordingly, claims 1-5 and 7-23 are currently pending, of which claims 16-23 are withdrawn from consideration. Reexamination and reconsideration of the pending claims are respectfully requested.

Applicants disagree with the Examiner's response to Applicants' arguments, at ¶ 2 of the Office Action. The Examiner's assertion that Applicants believe that the duty of candor and good faith under Rule 1.56 does not apply to itself, and insinuation that that Applicants have "misdirect[ed] the examiner's attention from the reference's relevant teaching," is unwarranted and entirely uncalled-for. Office Action at ¶ 2. Applicants remind the Examiner that the Examiner initially made an assumption "that applicant has a clear understanding of the submitted prior art reference." Advisory Action mailed January 31, 2008 at p. 2. The Examiner should not make this assumption. Should the Examiner identify a Statute or Rule that makes the Examiner's assumption a requirement of every applicant for a U.S. patent, then the Examiner is respectfully requested to cite to that Statute or Rule.

As the Examiner knows, the reference in question was cited in an IDS filed on July 18, 2006. The IDS specifically stated that the references cited therein were "cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the [IDS]." In perfect accord with Rule 1.56, Applicants disclosed the prior art reference to the USPTO. Applicants indicated that "[t]he filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to the patentability as defined in § 1.56(b)." 37 C.F.R. § 1.97(h). Applicants stand by their remarks as stated in the amendment filed on February 12, 2008, and incorporates them by reference herein.

**The Office objects to the drawings for minor informalities.** Office Action at ¶ 12. Applicants have amended ¶ 0042 of the specification to correct the informalities and the inconsistency between the drawings and specification. Accordingly, Applicants respectfully request withdrawal of the objection to the drawings.

**The Office rejects claims 1-15 under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the written requirement and being indefinite.** Office Action at ¶¶ 13-16. Without agreeing with the Office's assertions, but for the sole purpose of advancing this application toward allowance, Applicants have amended claim 1. Applicants, therefore, respectfully request withdrawal of the rejection.

**The Office rejects claims 1-3 and 11-14 under 35 U.S.C. § 103(a) as being obvious over Japanese Publication No. 11-164986 to *Shunichi et al.* (*Shunichi*) in view of U.S. Patent No. 6,028,147 to *Ogawa et al.* (*Ogawa*).** Office Action at ¶¶ 17-18. Applicants respectfully traverse the rejection.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggest by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The combined teaching of *Shunichi* and *Ogawa* fails to teach or suggest each and every element of claims 1-3 and 11-14, and thus, cannot render these claims obvious.

Amended claim 1 recites, “the leg pad has a Shore hardness of approximately 80.” *Shunichi* fails to teach or suggest at least this element of claim 1. In fact, *Shunichi* is silent with respect to the Shore hardness. *See Shunichi* in its entirety. *Ogawa* does not cure the deficiency of *Shunichi*, because *Ogawa* is also silent with respect to the Shore hardness. *See Ogawa* in its entirety. Accordingly, claim 1 is allowable over the combined teaching of *Shunichi* and *Ogawa*. Claims 2-3 and 11-14 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1-3 and 11-14.

**The Office rejects claims 4-7 under 35 U.S.C. § 103(a) as being obvious over *Shunichi* and *Ogawa*, and further in view of U.S. Patent No. 6,746,780 to *Rieger et al.***

**(Rieger).** Claim 6 is canceled. Applicants respectfully traverse the rejection of claims 4, 5, and 7. Office Action at ¶ 19.

As discussed, *Shunichi* and *Ogawa* fail to teach or suggest at least the above-recite element of claim 1, namely, “the leg pad has a Shore hardness of approximately 80.” *Rieger* does not cure the deficiency of *Shunichi* and *Ogawa*. In fact, *Rieger* discloses “the body material has a Shore hardness of 30, more preferably, of less than 25, yet more preferably of less than 20, more preferably of less than 15, most preferably of less than 10.” *Rieger*, column 4, lines 29-34. Accordingly, claim 1 is allowable over the combined teaching of *Shunichi*, *Ogawa*, and *Rieger*. Claims 4, 5, and 7 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the rejection of claims 4-7.

**The Office rejects claims 8-10 under 35 U.S.C. § 103(a) as being obvious over *Shunichi* and *Ogawa*, and further in view of JP 5-117491 to Yamamoto (*Yamamoto*). The Office rejects claims 15 under 35 U.S.C. § 103(a) as being obvious over *Shunichi* and *Ogawa*, and further in view of U.S. Patent No. 6,914,091 to Donald et al. (*Donald*). Office Action at ¶¶ 20-21. Applicants respectfully traverse the rejections.**

As discussed, *Shunichi* and *Ogawa* fail to teach or suggest at least the above-recite element of claim 1, namely, “the leg pad has a Shore hardness of approximately 80.” *Yamamoto* and *Donald* do not cure the deficiency of *Shunichi* and *Ogawa*. *Yamamoto* and *Donald* are silent with respect to Shore hardness. In fact, *Yamamoto* is cited for disclosing using polystyrene as a hard block and vinyl-polyisoprene as a soft block, and *Donald* is cited for disclosing flexible block copolymers includes triblock and multiblock. *Office Action*, pages 12 and 13. Accordingly, claims 1 is allowable over the combined teaching of *Shunichi*, *Ogawa*, *Yamamoto*, and *Donald*. Claims 8-10 and 15 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the rejection of claims 8-10 and 15.

**CONCLUSION**

The application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: June 23, 2008

Respectfully submitted,

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